

Remarks

Applicants have reviewed this Application in light of the Office Action sent electronically 12 March 2007. Applicants have made clarifying amendments to Claims 1-5, 7-15, 17-25, and 27-30. Applicants respectfully request reconsideration and allowance of all pending claims.

**Applicants Have Amended the Specification to Capitalize
HYPERTRANSPORT and INFINIBAND**

The Examiner states, "The use of the trademark HYPERTRANSPORTTM and INFINIBAND® has been noted in this application. It should be capitalized wherever it appears." To expedite issuance of a patent from this Application, Applicants have amended the specification to capitalize HYPERTRANSPORT and INFINIBAND.

Independent Claims 1, 11, and 21 are Allowable Over *Huang*

The Examiner rejects independent Claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,748,882 to Huang ("*Huang*"). Applicants respectfully disagree with the Examiner.

Huang merely discloses daemons in nodes monitoring the statuses of the processes local to their nodes and the statuses of other nodes. (Column 5, Lines 6-8). When a node fails, a daemon watching the node notes the failure and broadcasts messages to surviving nodes to modify their node lists to reflect the loss of the node. (Column 5, Lines 16-19). Each node in *Huang* has communication links for communicating with at least one of the other nodes in *Huang*. (Column 4, Line 66, through Column 5, Line 2).

In contrast, independent Claim 1 of this Application, as amended, recites:

A method comprising:
determining that one of a plurality of nodes has failed, each node comprising a switching fabric integrated onto a board and one or more processors integrated onto the board; and

removing the failed node from a virtual list of nodes, the virtual list comprising one logical entry for each of the plurality of nodes.

Independent Claims 11 and 21 are similar to independent Claim 1.

Huang fails to disclose, teach, or suggest each and every limitation of independent Claim 1. As an example, *Huang* fails to disclose, teach, or suggest ***each node comprising a switching fabric integrated onto a board and one or more processors integrated onto the board***, as independent Claim. Nowhere does *Huang* disclose, teach, or suggest that the communication links in any of the nodes in *Huang* can be properly considered ***a switching fabric***, as independent Claim 1 recites, much less a switching fabric ***integrated onto a board*** that also has ***one or more processors integrated onto the board***, as independent Claim 1 recites.

“To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim.” *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (quoting *Verdegaal*, 814 F.2d at 631). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the patent claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (quoting *Richardson*, 868 F.2d at 1236). Furthermore, “[t]he elements must be arranged as required by the claim.” M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (citing *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). As shown above, *Huang* fails to disclose, either expressly or inherently, each and every limitation of independent Claim 1. Therefore, *Huang* does not anticipate independent Claim 1 under governing Federal Circuit case law and the M.P.E.P.

For at least the reasons above, Applicants respectfully request reconsideration and allowance of independent Claims 1, 11, and 21 and all their dependent claims.

Conclusion

For at least the foregoing reasons, Applicants respectfully request allowance of all pending claims.

If a telephone conference would advance prosecution of this Application, Applicants invite the Examiner to call Travis W. Thomas, Attorney for Applicants, at 214.953.6676.

Please charge \$120.00 for a one-month extension of time to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. The Commissioner may charge any fee and credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants

Handwritten signature of Travis W. Thomas, consisting of two stylized 'T' characters followed by horizontal lines.

Travis W. Thomas
Reg. No. 48,667

Date: 12 July 2007

Correspondence Address:

Customer Number: 45507